IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.2252 OF 2007
IN
INCOME TAX APPEAL LODG. NO. 1237 OF 2007

The Commissioner of Income Tax-11. ..Appellant.
Vs.
In House Production Pvt. Ltd. ..Respondent.

Mr.A.D.Kango for the Appellant.

Mr.A.R.Singh for the Respondent.

CORAM : F.I. REBELLO & R.S. MOHITE, JJ.
DATED : 11TH DECEMBER,2007.

PC :

1. This is a Notice of motion for condoning 509-days delay in filing the main tax appeal. On perusal of the affidavit in support of the Notice of motion, it is seen that the matter was sent to the counsel for drafting the appeal memo on 15.12.2005 and the counsel returned the file on 13.12.2006. The file was reassigned to another panel counsel on 15.12.2006 and the draft of appeal memo was received within 15 days i.e. on 20.12.2006. The appeal was filed on 7.6.2007. In our view, the period between 13.12.2006 and 7.6.2007 is not properly explained. The cause shown is therefore, not sufficient cause. Hence, Notice of Motion stands dismissed.

(R.S. MOHITE, J.) **(F.I. REBELLO, J.)**

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1. As the Notice of motion for condonation of delay has been dismissed, appeal also stands dismissed. Refund of court fee as per rules. Certified copy expedited.

(R.S. MOHITE, J.) **(F.I. REBELLO, J.)**